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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ALVAREZ, RAQUEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,984

Applicant(s)

LEFKOWITZ, YISROEL

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to communication filed on 11/10/2004.
2. Claims 1-63 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-5, 7-15, 17-27, 29-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa, patent number 5,732,398 in view of Business Wire "Air France Corrects and Replaces Previous Announcement", 1/23/96 .**

Tagawa teaches a method of selling international tickets in combination with duty free items comprising: offering at least one specific international ticket at a price below a then current price (col. 3, lines 25-35, col. 15, lines 55-60), simultaneously offering at least one duty free item (col. 18, lines 20-22), acknowledging the purchase decision and accepting payment (col. 17, lines 25-35)., delivering the ticket to the customer (col. 16, lines 10-25)., advising the customer of the method of delivery of the duty free item (col. 18, lines 35-40). Tagawa also teaches offering one or more of a plurality of tickets to a variety of destinations (col. 6, lines 6-15)., offering one or more of a plurality of duty free items (col. 18, lines 20-22) where the duty free items have differing assigned values as in a catalog, selecting at least one ticket from among a plurality of tickets and selecting at least one duty free item from among the plurality of items (col. 10, lines 60-65, col. 12, lines 30-45, col. 15, lines 25-50, col. 16, lines 40-50, col. 18, lines 25-35).,

Viewing itinerary and pricing information by accessing a web site over a computer network (col. 9, lines 63-65, col. 18, lines 47-60), viewing descriptive information concerning the duty free items by accessing a web site over a network (col. 9, lines 63-65, col. 18, lines 23-30), making payment for the ticket by providing credit card information (col. 17, lines 25-35, col. 9, lines 18-20), customer providing an address over the computer network (col. 18, lines 35-40). Tagawa does not offer the ticket or the duty free item for at no additional cost with the purchase of the item or the ticket. With respect to offering the duty free item at no additional cost. Air France teaches offering **free gifts and vouchers for duty free items** so therefore in the system of Air France it would have been obvious for the free gift to have been for the duty free items in order to motivate the customers to conduct business with the company.

With respect to the newly added feature of the offer being made over a computer network from a single source. In the Kiosk of Tagawa, the users can purchase the travel tickets along with the duty-free items from main source which is the kiosk (see Figure 3).

4. Claims 6, 16, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa in view of Business Wire "Air France Corrects and Replaces Previous Announcement" 1/23/96 further in view of Ong-Yeoh "Golden Boutique Set to Boost MAS Revenue", Business Times (Malaysia), 8/26/95.

Ong-Yeoh teaches advising the customer that the duty free items will be delivered to the customer at one of an international port of departure ("pre-order business where passengers can purchase their tickets and duty free items to be delivered at the airport). It would have been obvious to one having ordinary skill in the

art at the time of the invention to have advised the customer of item delivery as in Ong-Yeoh in the system of Tagawa since the item delivery would have been adopted for the intended use of the pre-order business of Tagawa at least where the ticket and item inspection verifies eligibility of the duty free item.

Response to Arguments

5. The amendment to the claims, overcame the 101 rejection. Therefore the 101 rejection has been withdrawn.

6. The 103 rejection of claim 1 over Gould in view of Korea Times has been withdrawn.

7. With respect to the newly added feature of the offer being made over a computer network form a single source. Applicant argues that Tagawa doesn't teach that the user makes a single purchase of both international travel tickets and duty-free merchandise from a single source. The Examiner after carefully reviewing the reference, respectfully disagree with Applicant because although as pointed by Applicant on col. 18, lines 22-24 of Tagawa, the user can connect directly to the vendors. Nevertheless, the payment information and selection of the products purchased by the users is done through the kiosk system without connecting to the vendor, on col. 18, lines 32-44, Tagawa teaches **"First, the system displays information on shopping options for said services and/or products and communicates selection (s) made by the user to the vendor 141"....."lastly, the system informs the vendor of the sale...."**. The customer enters all the information on the kiosk system, and the kiosk system is the one

Art Unit: 3622

transmitting the information to the vendors, the communication between the system and the vendor is transparent to the user.

8. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Tagawa teaches combining the airline tickets and the duty free items from one source. With respect to offering the duty free item at no additional cost. Applicant argues that Air France offers a voucher for the duty-free item and that vouchers do not have a value unless they are used. The Examiner wants to point out that Air France teaches offering **free gifts and vouchers for duty free items** for purchase of airline tickets, so therefore in the system of Air France it would have been obvious for the free gift to have been for the duty free items. Applicant argues that that Ong-Yeoh doesn't teach selling the airline tickets and the free duty-items. The Examiner wants to point out that Tagawa was the reference cited for teaching selling **air travel tickets and duty free merchandise** (col. 18, lines 13 to col. 19, lines 1-5).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of contact

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/729,984

Art Unit: 3622

Page 7

A handwritten signature in black ink, appearing to read 'Raquel Alvarez', with a large, stylized loop at the end.

Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
1/28/05